

**RESOLUTION NO. 2010-4**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA DENYING AN APPLICATION FOR ONE (1) VARIANCE FROM THE PROVISIONS OF SECTION 30-100(F)(3) “DOCKS AND MOORING PILES” OF THE VILLAGE CODE OF ORDINANCES FOR PROPERTY LOCATED AT 500 S. MASHTA DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Mijo KB, LLC (the “Applicant”) has applied to the Village of Key Biscayne (the “Village”), pursuant to Section 30-63 “Variance procedures” of the Village Code of Ordinances (the “Village Code”), to vary one (1) provision of Section 30-100(f)(3) “Docks and Mooring Piles” of the Village Code for property located at 500 S. Mashta Drive (Public Hearing # RV-31); and

**WHEREAS**, the Applicant seeks to vary Section 30-100(f)(3)(a)(5) of the Village Code to permit the proposed dock to extend into Biscayne Bay more than 25 feet from the bulkhead (the “Variance”); and

**WHEREAS**, the Village staff recommended denial of the Variance in their report dated January 19, 2010; and

**WHEREAS**, the Village Council has held a properly noticed public hearing required under the Village Code; and

**WHEREAS**, after receiving public input and weighing testimony provided at the public hearing, the Village Council, based upon competent substantial evidence, denied the Variance because the Variance: (1) does not maintain the basic intent and purpose of the Village Zoning Code, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and (2) is not compatible with the surrounding land uses and would be detrimental to the community; and

**WHEREAS**, the Village Council further finds that the denial of this Variance is in the best interest and welfare of the residents of the Village because this Variance would be detrimental to the safe navigation of all waterways within and adjacent to the Village.

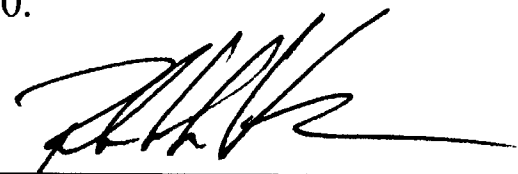
**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals Adopted.** The recitals set forth above are hereby adopted and confirmed.

**Section 2.**     **Denial of Variance.** The Village Council, based upon competent substantial evidence, hereby denies the Applicant's request to vary the provisions of Section 30-100(f)(3)(a)(5) of the Village Code to permit a dock to extend into Biscayne Bay a distance of more than 25 feet from the bulkhead for property located at 500 S. Mashta Drive.

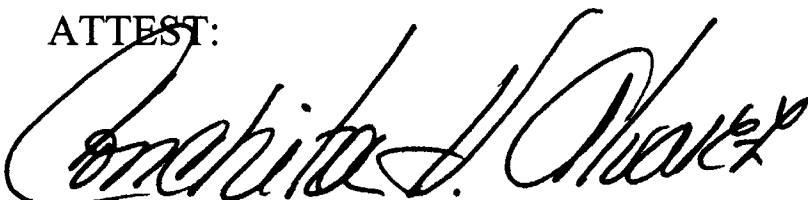
**Section 3.**     **Effective Date.** This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 26<sup>th</sup> day of January, 2010.



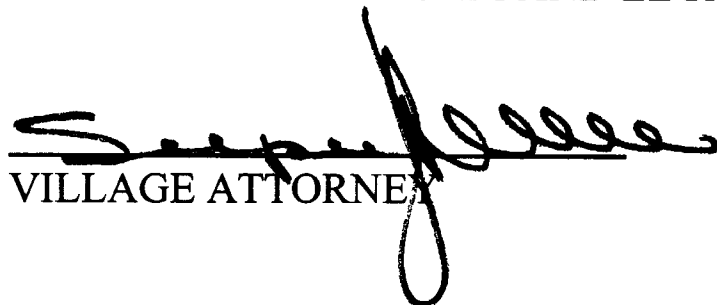
MAYOR ROBERT L. VERNON

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



VILLAGE ATTORNEY

